

CHRIS VAN HOLLEN
8TH DISTRICT, MARYLAND

COMMITTEE ON
EDUCATION AND THE WORKFORCE

COMMITTEE ON GOVERNMENT REFORM

Congress of the United States
House of Representatives
Washington, DC 20515

1419 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5341

DISTRICT OFFICES:
51 MONROE STREET, #507
ROCKVILLE, MD 20850
(301) 424-3501

3409 RHODE ISLAND AVENUE
MOUNT RAINIER, MD 20712
(301) 927-5223

www.house.gov/vanhollen

March 29, 2004

The Honorable Donald H. Rumsfeld
Secretary
Department of Defense
The Pentagon
Washington, D.C. 20301

Dear Secretary Rumsfeld:

We are writing to express our serious concerns about the proposal for a new Department of Defense (DoD) labor relations system that has been distributed to congressional staff and employee groups.

In the National Defense Authorization Act (NDAA), which was enacted last November, the Department was authorized to modify the procedures for resolving labor-management disputes for the next six years. However, Congress stated that any new procedures would have to protect fundamental labor rights, such as the right of employees to join unions, the right of unions to bargain collectively, and the duty of unions and management to bargain in good faith. Congress also stated that the current labor relations system could be modified only in furtherance of the Department's "national security mission."¹

In hearings that preceded the passage of the NDAA, DoD officials repeatedly stated that they were not trying to eliminate collective bargaining rights.² A majority of House members from both parties voted for the bill with the assurance that fundamental labor rights would be protected. Thus, we were very troubled to learn that DoD has submitted a proposal for a new labor relations system that abrogates these rights and goes well beyond what Congress intended in the NDAA.

¹ National Defense Authorization Act (NDAA) for Fiscal Year 2004 (P.L. 108-136), § 9902(m)(1).

² Testimony of Deputy Secretary of Defense Paul Wolfowitz before the House Government Reform Committee (May 6, 2003) ("My understanding is that collective bargaining will still be an essential part of the process"); Testimony of Undersecretary of Defense David Chu before the House Subcommittee on Civil Service and Agency Organization (Apr. 29, 2003) ("And there's no proposal here to – for anyone to lose his or her collective bargaining rights").

Under this proposal, good-faith collective bargaining would be virtually eliminated and replaced by "consultation" with unions over proposed personnel changes. DoD could unilaterally decide what personnel changes are "significant" enough to be subject to collective bargaining. If DoD and its unions could not reach agreement, the Department could unilaterally implement the personnel changes and cut off all post-implementation negotiations. Moreover, DoD could unilaterally issue regulations to supersede existing collective bargaining agreements negotiated by the Department and its unions.

To the extent that any collective bargaining is permitted under the new labor relations system, labor-management disputes would be resolved by a newly created Defense Labor Relations Board (DLRB). This board would be located within the Department, with its members selected by the Secretary. We do not believe such a system satisfies the NDAA requirement that any labor relations system developed by DoD must provide for "independent third party review of decisions."³

The DoD proposal also contains several provisions aimed solely at reducing union membership. Most notably, the proposal prohibits as many as 200,000 DoD employees – including some clerical employees, some professional employees, attorneys, and term-appointment employees – from joining unions.⁴ DoD has provided no justification for how such changes further the Department's national security mission, as is required by the NDAA.

We strongly urge the Department to withdraw this proposal immediately and submit a new proposal that is consistent with the intent of Congress.

Sincerely,



CHRIS VAN HOLLEN
Member of Congress



FRANK WOLF
Member of Congress

³ NDAA at § 9902(m)(6).

⁴ *Union-Busting, DoD Style*, Federal Times (Feb. 16, 2004).

Jimmy

Bob A Brady

Joe Fulea

John Fulea

John Smith

Michael H. Michel

Albert R. Allen

Joe Hoefel

Doni Cufa

Jim Langerin

James E. Watson

Carolyn McCarthy

Donald Acavola Vito

Ed Case

Jimmy Balch

Eleno Tauscher

Jim McDermott

W

Sam Farr
Tom Odell

Juan Davis
Kon Kind

Bart Bain Raul M. Higuera

Neil Abramowitz J. Lopez

C.A. Pickett Ruppberg Edgar E. Cunningham

Lois Caputo Michael M. Hurd

Tom Allen Barbara Lee

Nathan L. Adair Dennis J. Kuenner

Stephane P. Jones Carolyn C. Kelpatnick

Oale E. Cieslar Peter de Zin

George Miller Michael A. W. Mully

Marty Mehan Zoran

Robert Nemendj Janet Moran

Barney Frank Ms. Frank

Ethel L. Engel Rosa L. J. Lane

Bart Gordon Margaret B. Lane

Robert J. Matoni Cathryn B. Maloney

Jerold Radler Margaret Waters

Paul V. Gutierrez

Norm Richs

Tom Lantos

Tim Hadd

Sam Y. Luker

Mano Singh

Alfred Hartwig

Joe E. Stewart

Alfred Hoke

Steve F. Smith

Paul Gunn

Wm. Lucy Clay

Wile Shumpson

Cinda Rodriguez

Julia Carson

Nick Zeman

Scott R.

Karen McCarthy

Donald W. Payne

Joe Egan

Gene Taylor

Jordan Levi

Paul Hingell

Barry Dyck

John Longyn

Corine Brown

Chet Edwards

Buffy

Harry A. Wapman

Mike Stark

Jim McFadden

Russ Holt

Loella Sanchez

Leonard L. Boswell

Dana DeBette

Janet Henderson

Walter Delabak

Betty McCallan

Main Bay

John Oberstar

Bob Dunn

John Schaboy

Joe Mena

Harold Ford

Hyatt F. Lynch

Edward G. McKinney

John F. Wemy

Bruce Cranmer

Jack Quinn

Linda J. Sams

W. L. C. Jones

Jim Davis

Patrick J. Kennedy

Frank Pallone Jr

Pete Plutch

Tim Lynn

Jed Strickland

John Lewis

Mike Doyle

David Scott

Lynn C. Woolsey

Shel Brown

Samuel D. Bishop Jr.

Robert E. Anderson

Martin D. Felt

John F. Kennedy

Walter Odell

Charles A. McCall

Ben Card

Robert F. Kennedy

Bob Filan

Sherry Dodder

David Wu

Ting Jing

Denny K. Davis

Grace D. Napoleano

Allen Boyd

Alan B. Schiff

Frank W. Balla Jr.

Jim Bottom

Shelley Burkley

Nita Lacey

Earl Blumenauer

Gregory R. Costello

Sol Ory

Dennis B. Thompson

John B. Farr

Kendrick B. Meek

Anna M. Hunt